



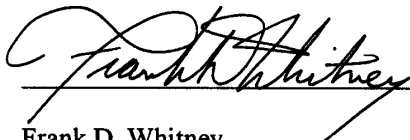
have denied the request for admission, perhaps augmenting her denial with a *brief* statement of why she beliefs the exhibit is false. No other response was required.

Nor is it now appropriate to attempt to litigate the zoning designation issue through a Rule 12(f) Motion. Rule 12(f) allows the Court to strike an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter *from any pleading*. Not only has Plaintiff failed to state how Exhibit D meets any of these criteria, but Rule 12(f) plainly applies only to pleadings, not discovery materials. Plaintiff's options regarding Defendant's First Set of Requests for Admission were (1) to deny the request or otherwise object to it pursuant to Rule 36(a), (2) to move for a protective order pursuant to Rule 26(c) if some specifically enumerated reason (e.g., annoyance, embarrassment, oppression, or undue burden or expense) existed, or (3) to simply wait until the appropriate time at trial to provide her own evidence tending to show her side of the story and disproving Defendant's allegedly false exhibit. Regardless of which option Plaintiff could have employed, Rule 12(f) is plainly not one of them.

Therefore, for the reasons stated herein, Plaintiffs Motions to Strike are hereby DENIED.

IT IS SO ORDERED.

Signed: November 20, 2007

  
Frank D. Whitney  
United States District Judge

